

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

SATURDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.10032 of 2000

Between:

K. Chandrasekhar S/o. K. Chennakesavulu
R/o. 18/125, Ashoknagar, Tirupati, Chittoor District.

..... PETITIONER

AND

- 1 The Tirupati Co-op Bank Ltd Tirupati, Rep. by its Managing Director,
Tirupati, Chittoor District.
- 2 Labour Officer,
Tirupati, Chittoor district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the 1st Respondent in not paying the subsistence allowance payable to the Petitioner from 1-1-1998 till 31-5-2000, is illegal, arbitrary, and contrary to law and consequently direct the 1st Respondent Bank to pay subsistence allowance to a tune of Rs.1,18,182/- for the period 1-1-1998 to 31-5-2000 and continue to pay the subsistence allowance to the petitioner till finalization of disciplinary action against him, and pass such other or further orders as are necessary.

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.10032 of 2000

ORAL ORDER:

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This Writ Petition is filed seeking a Mandamus to declare the action of the 1st respondent in not paying the subsistence allowance to the petitioner for the period from 1-1-1998 to 31-5-2000 as arbitrary and illegal and consequently to direct the 1st respondent to pay subsistence allowance to a tune of Rs.1,18,182/- for the said period and continue to pay the same till the finalization of disciplinary action against him.

There is no necessity of going into all the details. It is suffice to notice that the petitioner was suspended from service pending enquiry into the allegation of misappropriation of Bank funds, vide Proceedings dated 1-1-1998 of the 1st respondent-Bank. The main grievance of the petitioner is that he was not paid subsistence allowance from 1-1-1998 to 31-5-2000. It has been asserted in the counter affidavit filed on behalf of the 1st respondent that from the date of suspension i.e. 1-1-1998 the Bank has been paying subsistence allowance to the petitioner and before the petitioner was suspended from service, he was drawing below Rs.500/- after deductions towards the loan amount taken by him. Suppressing these facts, the petitioner filed the present Writ Petition; therefore, the petitioner is

liable to be prosecuted for perjury and the Writ Petition is liable to be dismissed with exemplary costs. It has been further asserted that the allegation of the petitioner that he is not being paid subsistence allowance at the rate of 50% is also incorrect. Though this counter has been filed way back on 26-7-2000, no reply is filed denying the allegations made in the counter. Further, on 23-3-2005 W.P.M.P. No.8312 of 2005 is filed seeking expeditious hearing of the Writ Petition on the ground that though there is a direction from this Court, the petitioner is not being paid subsistence allowance as per his eligibility.

Be that as it may, in view of the assertions made in the counter affidavit, which have not been controverted by the petitioner, this Writ Petition is disposed of directing the respondents to pay subsistence allowance to the petitioner till the finalization of disciplinary proceedings as per his eligibility and as per the Rules in vogue. No costs.

20-8-2005

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